

**AUCTIONEER BOARD MEETING
MINUTES
January 31, 2006**

PRESENT: Jay Clarke, Alan Hager, Byron Krueger, Patrick McNamara, Mark Shain, Timothy Sweeney, Carl Theorin, Kathryn Daley (appointee)

STAFF PRESENT: Tim Wellnitz, Bureau Director; Ruby Jefferson-Moore, Legal Counsel; Roxanne Peterson, Direct Licensing Coordinator, Division of Enforcement staff were present for portions of the meeting

GUESTS: Barbara Hager

CALL TO ORDER

Mark Shain, Chair, called the meeting to order at 9:16 a.m. A quorum of seven members was present.

AGENDA

Amendments to Agenda:

- Add Case Closing 05 AUC 007.
- Add NALLO Officials Association Report
- Move Election of Officers and Appointments by Chair to the end of the meeting.

MOTION: Jay Clarke moved, seconded by Carl Theorin, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES (10/25/2005)

MOTION: Alan Hager moved, seconded by Jay Clarke, to approve the minutes as published. Motion carried unanimously.

**ADMINISTRATIVE REPORT
TIM WELLNITZ, BUREAU DIRECTOR**

2003 DOE Case Deadline

Tim Wellnitz advised that the Division of Enforcement has set a deadline of July 14, 2006, to file or resolve the 2003 cases.

Agendas and Addendum Policy

The Board received a copy of the January 4, 2006, memo from Kimberly Nania regarding the agenda and addendum policy. Mr. Wellnitz advised that the goal of the Department is to only post addendums that are of an urgent nature.

Quorum Confirmation Policy

Tim Wellnitz advised that Board members should inform the Bureau Director of any meeting dates in which they will not be able to attend. If the Bureau Director does not hear from a Board member, the Bureau Director will assume that the Board member will be attending the scheduled meeting.

A quorum check will not be conducted prior to each scheduled Board meeting. The only time the Bureau Director will conduct a quorum check will be if two or more Board members contact the Bureau Director indicating they will not be able to attend the upcoming scheduled meeting.

Hotel Reservations Policy & Hotel No-Show Policy

Mr. Wellnitz reported that the Department has selected the Comfort Inn & Suites at 4822 E. Washington Ave in Madison for all 2006 hotel reservations.

If a Board member is not going to use the reserved hotel room, it is the responsibility of the Board member to cancel the room by calling the hotel themselves. If the hotel room is not cancelled, the Board member may be responsible to pay the hotel bill as a no-show.

Out-of-State Travel Policy

Tim Wellnitz reiterated the Department's out-of-state travel policy that the Department will pay for one Board member to attend one out-of-state conference in a fiscal year, upon motion made by the Board and upon Department approval.

2006 Meeting and Screening Dates

The Board received the list of 2006 meetings and screening dates.

Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules and Press Releases

Noted.

PRESENTATION OF PROPOSED STIPULATIONS BY THE DIVISION OF ENFORCEMENT

None.

TRAVEL

57th International Auctioneers Conference Orlando, Florida (July 10-15, 2006)

MOTION: Patrick McNamara moved, seconded by Jay Clarke, to not send a Board representative to the 57th International Auctioneers Conference in Orlando on July 10-15, 2006. Motion carried unanimously.

NALLOA Officials Association Report

The Board reviewed Mark Shain's summary of current issues relating to the auctioneer profession which he prepared to be submitted to the NALLOA on behalf of the Wisconsin Auctioneer Board.

MOTION: Patrick McNamara moved, seconded by Alan Hager, that Tim Wellnitz finalize the document that Mark Shain prepared and submit it to NALLOA on behalf of the Board. Motion carried unanimously.

LEGISLATION AND ADMINISTRATIVE RULES

LRB-4005/P1 re: Continuing Education Requirements for Auction Company Representatives

The Board reviewed LRB-4005/P1 relating to continuing education requirements for auction company representatives. The Board noted that the term "auctioneer company" should be changed to "auction company" throughout the bill.

MOTION: Jay Clarke moved, seconded by Timothy Sweeney, to recommend that the Department work to move the bill forward with the amendment relating to "auction company". Motion carried unanimously.

MOTION: Jay Clarke moved, seconded by Carl Theorin, that Patrick McNamara be appointed as the Board Legislative Liaison for this legislation. Motion carried unanimously.

Status of Proposed Rules re: Continuing Education Requirements for Auctioneers – RL 128 – Educational Program

Tim Wellnitz reported that the rule is moving along through the promulgation process. It is expected that a hearing will be scheduled on this rule at the next Board meeting on April 18, 2006.

PRACTICE QUESTIONS

None.

MISCELLANEOUS INFORMATION/CORRESPONDENCE

Letter to Virginia re: Proposed Reciprocal Agreement

Tim Wellnitz reported that he has not received a response to his November 7, 2005, letter to the Virginia Department of Professional and Occupational Regulation regarding a reciprocal agreement.

NEW BUSINESS

None.

VISITORS COMMENTS

None.

CONVENE TO CLOSED SESSION

MOTION: Timothy Sweeney moved, seconded by Alan Hager, that Kathryn Daley be invited to sit in on Closed Session. Motion carried unanimously.

MOTION: Timothy Sweeney moved, seconded by Alan Hager, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, the Board intends to deliberate on stipulations, administrative warnings, case closings, and monitoring cases. Roll Call Vote: Jay Clarke-yes; Alan Hager-yes; Byron Krueger-yes; Patrick McNamara-yes; Timothy Sweeney-yes; Carol Theorin-yes; Mark Shain-yes. Motion carried unanimously.

Open Session recessed at 9:56 a.m.

The Board deliberated on case closings and an administrative warning and consulted with legal counsel.

RECONVENE TO OPEN SESSION

MOTION: Carl Theorin moved, seconded by Alan Hager, to reconvene into Open Session at 10:15 a.m. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION,
IF VOTING IS APPROPRIATE**

CASE CLOSINGS

05 AUC 008

MOTION: Carl Theorin moved, seconded by Alan Hager, to close case **05 AUC 008** for no violation. Motion carried unanimously. (Jay Clarke was not present during voting.)

05 AUC 009

MOTION: Carl Theorin moved, seconded by Patrick McNamara, to close case **05 AUC 009 against Gregory Bronk** for lack of jurisdiction and **against Steven Bronk** for prosecutorial discretion (P3). Motion carried unanimously.

05 AUC 007

MOTION: Patrick McNamara moved, seconded by Carl Theorin, to close case **05 AUC 007 against John Williams** for no violation. Motion carried unanimously.

03 AUC 027

MOTION: Alan Hagen moved, seconded by Jay Clarke, to close case **03 AUC 027** for compliance gained (P2). Motion carried unanimously.

ADMINISTRATIVE WARNING

05 AUC 007

MOTION: Carl Theorin moved, seconded by Timothy Sweeney, to accept the amended administrative warning against **05 AUC 007, Denis (Sam) L. Williams**. Motion carried unanimously.

ELECTION OF OFFICERS

Chair

MOTION: Jay Clarke moved, seconded by Carl Theorin, to nominate Patrick McNamara as Chair.

MOTION: Jay Clarke moved, seconded by Alan Hager, to close nominations and that a unanimously ballot be cast for Patrick McNamara as Chair. Motion carried unanimously.

Vice Chair

MOTION: Jay Clarke moved, seconded by Alan Hager, to nominate Carl Theorin as Vice Chair.

MOTION: Jay Clarke moved, seconded by Byron Krueger, to close nominations and that a unanimously ballot be cast for Carl Theorin as Vice Chair. Motion carried unanimously.

Secretary

MOTION: Carl Theorin moved, seconded by Patrick McNamara, to nominate Jay Clarke as Secretary.

MOTION: Timothy Sweeney moved, seconded by Patrick McNamara, to nominate Byron Krueger as Secretary.

MOTION: Jay Clarke moved, seconded by Alan Hager, to withdraw his nomination and ask that a unanimously ballot be caused by Byron Krueger as Secretary. Motion carried unanimously.

APPOINTMENTS TO SCREENING PANEL BY CHAIR

The Chair appointed Patrick McNamara, Timothy Sweeney and Carl Theorin to serve on the Screening Panel.

MARK SHAIN – RESIGNATION FROM BOARD

Secretary Celia Jackson presented Mark Shain with a Certification of Appreciation plaque signed by Governor Jim Doyle.

Board members and Department staff expressed their appreciation to Mr. Shain for his dedication during his many years of service on the Board and to the citizens of Wisconsin.

ADJOURNMENT

MOTION: Alan Hager moved, seconded by Byron Krueger, to adjourn the meeting at 11:05 a.m. Motion carried unanimously.